

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ADEBOWALE SHEBA,

Petitioner,

v.

CHARLES GREEN,

Respondent.

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Civil Action No. 17-676 (JMV)

OPINION

APPEARANCES:

ADEBOWALE SHEBA
Essex County Correctional Facility
354 Doremus Ave.
Newark, NJ 07105
Petitioner, *pro se*

MARK CHRISTOPHER ORLOWSKI
Office of the U.S. Attorney
District of New Jersey
970 Broad Street, Suite 700
Newark, NJ 07101
On behalf of Respondent

VAZQUEZ, United States District Judge

On January 31, 2017, Petitioner Adebowale Sheba filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his prolonged detention since August 15, 2016, by U.S. Immigration and Customs Enforcement (“ICE”). (ECF No. 1 at 2.) This Court ordered Respondent to answer the petition. (ECF No. 2.) Respondent submitted a Release Notification dated May 8, 2017, showing that ICE approved Petitioner’s release from custody pending removal. (ECF No. 6-1.) A search of ICE’s detainee locator database indicates that

Petitioner is no longer in custody.¹ Respondent contends the habeas petition is moot. (*Id.*)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

An appropriate Order follows.

Date: May 10, 2017
At Newark, New Jersey

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge

¹ U.S. Immigration and Customs Enforcement Online Detainee Locator, available at <https://locator.ice.gov/odls/searchByAlienNumber.do>